

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 HABEN SEBHATU,

13 Defendant.

CASE NO. CR20-0033-JCC

ORDER

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15 This matter comes before the Court on Defendant's unopposed motion to proceed with  
16 his sentencing via videoconference (Dkt. No. 79). Having thoroughly considered the motion and  
17 the relevant record, the Court finds oral argument unnecessary and hereby GRANTS the motion  
18 for the reasons explained herein.

19 **I. BACKGROUND**

20 On July 7, 2020, Defendant pleaded guilty to one count of attempting to possess  
21 contraband in prison in violation of 18 U.S.C. §§ 1791(a)(2), 1791(b)(4). (See Dkt. Nos. 61–64.)  
22 Defendant was initially scheduled to be sentenced on August 11, 2020, and is presently  
23 scheduled to be sentenced on September 1, 2020. (See Dkt. Nos. 66, 67.) Defendant now moves  
24 to conduct his sentencing via video conference. (Dkt. No. 79.) In his motion, Defendant consents  
25 to proceed with his sentencing remotely. (See *id.* at 2.)

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1       **II. DISCUSSION**

2           On March 30, 2020, Chief Judge Ricardo S. Martinez issued General Order 04-20, which  
3       states in relevant part,

4           The use of video conferencing or telephone conferencing for felony pleas under  
5       Fed. R. Crim. P. 11 and felony sentencing under Fed. R. Crim. P. 32 is hereby  
6       authorized provided that the district judge in a particular case finds for specific  
7       reasons that the plea or sentencing in that case cannot be further delayed without  
such harm to the interests of justice. In cases that can be further delayed without  
such harm, the district judge should instead continue the sentencing or trial date.

8           W.D. Wash., General Order 04-20, at 2–3 (Mar. 30, 2020); *see* W.D. Wash., General Order 11-  
9       20, at 2 (July 30, 2020) (continuing General Order 04-20 through September 8, 2020).

10          Under General Order 11-20, in-person criminal hearings in the Seattle Courthouse of the  
11       Western District of Washington will not resume until at least September 8, 2020. *See* W.D.  
12       Wash., General Order 11-20, at 1–2 (July 30, 2020). Thus, absent the Court’s intervention,  
13       Defendant cannot be sentenced in person until at least September 8, 2020. (*See* Dkt. Nos. 8–10.)  
14       Defendant would be prejudiced by further continuances of his sentencing, as the Government has  
15       agreed to limit its recommendation to six months of incarceration and the Bureau of Prisons will  
16       not resolve Defendant’s eligibility for early release to a halfway house on his current sentence  
17       until his pending sentencing is held. (*See* Dkt. No. 79 at 2.) Therefore, the Court FINDS that  
18       Defendant’s sentencing “cannot be further delayed without serious harm to the interests of  
19       justice.” W.D. Wash., General Order 04-20, at 2–3 (Mar. 30, 2020).

20       **III. CONCLUSION**

21          For the foregoing reasons, Defendant’s motion to proceed with his sentencing via video  
22       conference (Dkt. No. 79) is GRANTED. Defendant’s sentencing will be held via video or  
23       teleconferencing on September 1, 2020, at 9:00 a.m.

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1 DATED this 18th day of August 2020.  
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7 John C. Coughenour  
8 UNITED STATES DISTRICT JUDGE  
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